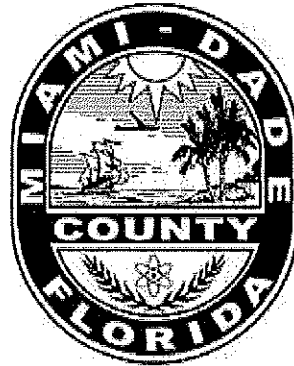


Comprehensive Development Master Plan



January 23, 2014

9:30 A.M.

BOARD OF COUNTY COMMISSIONERS

Rebeca Sosa
Chairwoman

Lynda Bell
Vice Chair

Barbara J. Jordan
District 1

Jean Monestime
District 2

Audrey M. Edmonson
District 3

Sally A. Heyman
District 4

Bruno A. Barreiro
District 5

Rebeca Sosa
District 6

Xavier L. Suarez
District 7

Lynda Bell
District 8

Dennis C. Moss
District 9

Senator Javier D. Souto
District 10

Juan C. Zapata
District 11

Jose "Pepe" Diaz
District 12

Esteban L. Bovo, Jr.
District 13

Carlos A. Gimenez
Mayor

**111 NW 1st Street
Miami, FL 33128**

**Commission Chambers
2nd Floor**

County Commission Rules**Rule 6.05 DECORUM**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission, shall be barred from further audience before the commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the commission chambers. Persons exiting the commission chamber shall do so quietly.

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the chambers to answer incoming cell phone calls. County employees may not use cell phone cameras or take digital pictures from their positions on the dais.

Miami-Dade County provides equal access and equal opportunity and does not discriminate on the basis of disability in its programs or services. If you need a sign language interpreter or materials in accessible format for this event, please contact the Miami-Dade County Agenda Coordinator's Office at 305-375-2035 or agendco@miamidade.gov at least five days in advance.

Rule 5.06(h) PRIME SPONSORSHIP AND CO-SPONSORSHIP

When a resolution or ordinance is placed on the agenda at the request of a commissioner, the commissioner who requested the preparation of the item shall be designated as the prime sponsor. Any other commissioner who wishes to sponsor the resolution or ordinance shall be designated as a co-sponsor.

Pursuant to Rule 5.06(h), where a commissioner is listed as a sponsor, the first named commissioner is the prime sponsor and all other named commissioners are co-sponsors.

1A INVOCATION AS PROVIDED IN RULE 5.05(H)**1B PLEDGE OF ALLEGIANCE****1C ROLL CALL**

LUCKY START AT THE HAMMOCKS, LLC CDMP AMENDMENT CYCLE**PUBLIC HEARINGS****Special Item No. 1****130039****Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH NOTICE OF PROPOSED CHANGES TO THE HAMMOCKS DEVELOPMENT OF REGIONAL IMPACT; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND EFFECTIVE DATE (Regulatory and Economic Resources)

1/17/2013 SPECIAL Continued by BCC
ITEM NO. 2

2/21/2013 SPECIAL Continued by BCC
ITEM NO. 2

3/6/2013 SPECIAL Deferred by BCC Passed 10 - 0
ITEM NO. 2

4/2/2013 Special Adopted on first reading by BCC Passed 12 - 0
Item No. 2

Substitute Special Item No. 1**140035****Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FILED FOR CONCURRENT PROCESSING WITH NOTICE OF PROPOSED CHANGES TO THE HAMMOCKS DEVELOPMENT OF REGIONAL IMPACT; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 130039] (Regulatory and Economic Resources)

ADJOURNMENT

Memorandum



(Public Hearing 1-23-14)

Date: January 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Special Item No. 1

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Providing for Disposition of the Lucky Start At The Hammocks, LLC,
Application to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance (Special Item No. 2), which provides for adoption, adoption with change, or denial of the Lucky Start At The Hammocks, LLC, Application to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading of the ordinance occur at the conclusion of the Board's January 2013 public hearing to address the application. The Board would subsequently take final action on the Lucky Start At The Hammocks, LLC, Application to amend the CDMP at a public hearing to be scheduled in May or June of 2013.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within Commission District 11 (Commissioner Zapata). The proposed CDMP amendment is anticipated to have a localized impact on one or more commercial districts, notwithstanding its association with the Hammocks Development of Regional Impact.

Fiscal Impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area as well as annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in "Appendix F" of the document titled, "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application To Amend The Comprehensive Development Master Plan", dated November 13, 2012.

The Miami-Dade Water and Sewer Department indicates that if the subject property were developed with the proposed 811 residential units and 50,000 square feet of retail uses, the annual operating and maintenance costs for water and sewer services to the application site are estimated at \$131,696.

Track Record/Monitor

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

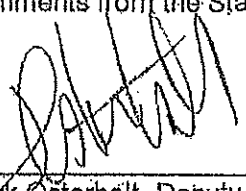
Background

The Lucky Start At The Hammocks, LLC, CDMP Amendment Application seeks to change the land use designation of the ±57.42-gross acre site on the CDMP Adopted 2015-2025 Land Use Plan map from "Industrial and Office" to "Low-Medium Density Residential", "Business and Office" and "Medium Density Residential". The application site is located west of SW 147 Avenue between SW 112 Street and SW 120 Street (on the south side of Hammocks Boulevard), within the existing Hammocks Development of Regional Impact.

The CDMP amendment application was filed for concurrent processing with a separate, but related, Notice of Proposed Change application to the existing Hammocks Development of Regional Impact. The CDMP amendment application was filed pursuant to procedures established by Chapter 380.06, Florida Statutes, and Section 2-116.1 of the Code of Miami-Dade County and is thereby being processed outside of the County's regular twice-per-year comprehensive plan amendment cycles. The proposed CDMP amendment and the Notice of Proposed Change together would facilitate the development of 611 residential units and 50,000 square feet of retail uses in place of the 1,159,600 square feet of warehouse and office development currently approved for the application site under the existing Hammocks Development of Regional Impact development order.

A resolution (Special Item No. 1) accompanying this ordinance requests review and comments by the State Land Planning Agency and other state and regional agencies (reviewing agencies) on the transmitted Lucky Start At The Hammocks, LLC, Application to amend the CDMP. The comments from the reviewing agencies are anticipated by the County in March 2013. The County is required to take final action on the transmitted application within 60 days after receipt of the comments, in May or June of 2013, unless such time is extended by the developer pursuant to Chapter 380.06, Florida Statutes. Preceding the final hearing by the Board, the Department of Regulatory and Economic Resources will respond to any agency objections and may issue a final recommendation.

By approving the ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the CDMP amendment application after receipt of the comments from the State Land Planning Agency and other reviewing agencies.



Jack Osterholt, Deputy Mayor

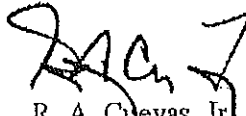


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1
1-23-14

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION REQUESTING
AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN FILED FOR CONCURRENT PROCESSING
WITH NOTICE OF PROPOSED CHANGES TO THE
HAMMOCKS DEVELOPMENT OF REGIONAL IMPACT;
PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE
AND EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

WHEREAS, Chapter 380.06(6), Florida Statutes, provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change to an existing Development of Regional Impact; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, the Lucky Start At The Hammocks, LLC, filed an application to amend the CDMP that is being processed concurrently with a Notice of Proposed Changes, filed with the South Florida Regional Planning Council, requesting approval of changes to the existing Hammocks Development of Regional Impact, as provided in Chapter 380.06(6), Florida Statutes, and Section 2-116.1, of the Code of Miami-Dade County; and

WHEREAS, the Lucky Start At The Hammocks, LLC, Application to amend the CDMP and the initial recommendation of the Department of Regulatory and Economic Resources

(Department) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated November 13, 2012; and

WHEREAS, the West Kendall Community Council (11) conducted an optional public hearing on November 20, 2012 that was continued to December 11, 2012, pursuant to Section 2-116.1(5)(a)(2), Code of Miami-Dade County, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on December 17, 2012, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application, the recommendations of the Department, the affected Community Council, and to address the transmittal of the amendment application to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for comments, and to formulate recommendations regarding final action on the requested CDMP amendment application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change, or Deny the referenced CDMP amendment Application no later than sixty (60) days after receipt of written comments from the reviewing agencies addressing the subject application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

WHEREAS, the Department and the Planning Advisory Board may issue revised recommendations addressing the transmitted CDMP amendment application after receipt of comments from the reviewing agencies, prior to final hearing and action by the Board; and

WHEREAS, consideration of the subject application is being processed outside the County's regular twice-per-year comprehensive plan amendment cycles pursuant to Section 2-116.1, Code of Miami-Dade County; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearing(s) required by the referenced procedures preparatory to enactment of this ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending Lucky Start At The Hammocks, LLC, CDMP Amendment Application filed for concurrent processing with the Notice of Proposed Changes for the Hammocks Development of Regional Impact as

follows:

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Final Commission Action
Lucky Start At The Hammocks, LLC	<p>Lucky Start At The Hammocks, LLC/Juan J. Mayol, Esq. and Joseph G. Goldstein, Esq.</p> <p>Holland and Knight, LLP 701 Brickel Avenue, Suite 3000, Miami, FL 33131 (±57.42 gross; ±53.47 net)</p> <p>1. Re-designate the ±57.42-gross acre application site within the Development of Regional Impact on the Adopted 2015-2025 Land Use Plan map from "Industrial and Office" to "Low-Medium Density Residential" on Parcel A (±16.89 gross acres) and Parcel D (±12.73 gross acres), "Business and Office" on Parcel B (±9.18 gross acres), and "Medium Density Residential" (±18.62 gross acres) on Parcel C; and</p> <p>2. Add a proffered Declaration of Restrictions, if accepted by the Board, to the Restrictions Table on Page I-74.1 of the CDMP's Land Use Element.</p>	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If the referenced CDMP amendment application, or portion of the application, is found to be not in compliance pursuant to Section 163.3184, Florida Statutes, the remainder of the application subject to such a finding, and the remaining application adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, pursuant to Section 163.3184(3)(c)4, Florida

Statutes, the effective date of any individual plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



Craig Coller

Memorandum



Date: January 23, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Substitute
Special Item No. 1

Subject: Ordinance Providing for Disposition of the Lucky Start At The Hammocks, LLC,
Application to Amend the Comprehensive Development Master Plan

This substitute item differs from the original item (Legistar No. 130039) in that it revises the preamble of the original ordinance to reflect the action taken by the Board of County Commissioners at its "transmittal" public hearing held April 2, 2013, and acknowledges correspondences received from the State land Planning Agency and other reviewing agencies issued between May 28, 2013 and June 14, 2014. This substitute ordinance addresses the disposition of the pending Lucky Start at the Hammocks, LLC, Application to Amend the Comprehensive Development Master Plan (CDMP).

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance (Substitute Special Item No. 1) which provides for adoption, adoption with change, or denial of the Lucky Start at the Hammocks, LLC, Application to amend the Comprehensive Development Master Plan.

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment application at the conclusion of the public hearing scheduled for January 2014 in the Commission Chamber. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains a blank space to record the Board's action on the requests contained in the referenced CDMP amendment application.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within Commission District 11 (Commissioner Zapata). The proposed CDMP amendment is anticipated to have a localized impact on one or more commission districts, notwithstanding its association with the Hammocks Development of Regional Impact.

Fiscal impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for

items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in "Appendix F" of the document titled, "Application and Initial Recommendation Lucky Start at the Hammocks, LLC, Application to Amend the Comprehensive Development Master Plan", dated November 13, 2012.

The Miami-Dade Water and Sewer Department indicates that if the subject property were developed with the 611 residential units and 50,000 square feet of retail uses as proposed in the original application, the annual operating and maintenance costs for water and sewer services to the application site are estimated at \$131,696. Per the revised application, if the property were to be developed with 398 dwelling units and 40,000 square feet of commercial uses, the annual operating and maintenance costs for water and sewer services are estimated at \$103,913.20.

Housing Impact

Applications to amend the Adopted 2020 and 2030 Land Use Plan map of the CDMP have the potential to reduce or increase the county's housing supply, based upon the current CDMP land use designation of the application site, the requested CDMP land use designation and voluntary restrictions on residential density. If the Lucky Start at the Hammocks, LLC, Application were approved as originally filed, the County's supply of housing could be increased by a total of 611 dwelling units. If the application is approved as revised by the Board pursuant to the Applicant's request made by letter dated March 21, 2013, the County's supply of housing could be increased by 398 dwelling units.

Track record/monitor

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

Background

The attached substitute ordinance provides for the Board's final action on the Lucky Start at the Hammocks, LLC, Application to amend the CDMP. The Board's previous action on referenced CDMP amendment application at the April 2, 2013 public hearing was to "Transmit with Change as requested by the applicant and with the proffered Declaration of Restrictions". The referenced CDMP amendment application was transmitted to the State Land Planning Agency (SLPA) and other reviewing agencies by letter dated May 9, 2013 for review and comment. The reviewing agencies presented their findings on the Application in their correspondence issued between May 16, 2013 and June 14, 2013. The Florida Fish and Wildlife Conservation Commission is the only agency that provided comments on the referenced CDMP amendment application, regarding the potential of burrowing owls existing on the application site and what should be done if burrowing owls exist on the site. These comments are addressed in the Department's Final Recommendation report mentioned below.

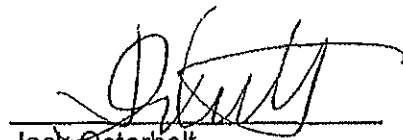
The change to the application seeks redesignation of the subject site to "Low-Medium Density Residential" (±52.48 acres) and "Business and Office" (±4.94 acres). The Application as originally filed sought to redesignate the application site to "Low-Medium Density Residential" on ±29.62 gross acres, "Business and Office" on ±9.18 gross acres, and "Medium Density Residential" on ±18.62 gross acres. A "Summary of Recommendations" matrix is enclosed with the Board's agenda package, which summarizes the recommendations on the application

including those of the Department, the affected community council, and the Planning Advisory Board.

The referenced Lucky Start at the Hammocks, LLC, Application to amend the CDMP was filed for concurrent processing with a separate, but related, Notice of Proposed Change to the Hammocks Development of Regional Impact. The maximum development that may occur on the application site is limited by the development order for the Hammocks Development of Regional Impact, and the concurrent Notice of Proposed Change proposes a maximum of 398 dwelling units and 40,000 square feet of commercial uses for the application site.

Final Recommendation

The Department's final recommendation on the application is to "Adopt with Change as Transmitted and with acceptance of the proffered Declaration of Restrictions" and is contained in a report titled "Final Recommendations Lucky Start at the Hammocks, LLC, Application to amend the CDMP". This report addresses the change to the application and the Florida Fish and Wildlife Conservation Commission's comments on the application.

A handwritten signature in black ink, appearing to read "J. Osterholt", is written over a horizontal line.

Jack Osterholt
Deputy Mayor/Director



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

Substitute

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
1-23-14

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION REQUESTING
AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN FILED FOR CONCURRENT PROCESSING
WITH NOTICE OF PROPOSED CHANGES TO THE
HAMMOCKS DEVELOPMENT OF REGIONAL IMPACT;
PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE
AND EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

WHEREAS, Chapter 380.06(6), Florida Statutes, provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change to an existing Development of Regional Impact; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, the Lucky Start At The Hammocks, LLC, filed an application to amend the CDMP that is being processed concurrently with a Notice of Proposed Changes, filed with the South Florida Regional Planning Council, requesting approval of changes to the existing Hammocks Development of Regional Impact, as provided in Chapter 380.06(6), Florida Statutes, and Section 2-116.1, of the Code of Miami-Dade County; and

WHEREAS, the Lucky Start At The Hammocks, LLC, Application to amend the CDMP and the initial recommendation of the Department of Regulatory and Economic Resources (Department) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated November 13, 2012; and

WHEREAS, the West Kendall Community Council (11) conducted an optional public hearing on November 20, 2012 that was continued to December 11, 2012, pursuant to Section 2-116.1(5)(a)(2), Code of Miami-Dade County, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on December 17, 2012, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application, the recommendations of the Department, the affected Community Council, and to address the transmittal of the amendment application to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for comments, and to formulate recommendations regarding final action on the requested CDMP amendment application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change, or Deny the referenced CDMP amendment Application no later than sixty (60) days after receipt of written comments from the reviewing agencies addressing the subject application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

~~[[WHEREAS, the Department and the Planning Advisory Board may issue revised recommendations addressing the transmitted CDMP amendment application after receipt of comments from the reviewing agencies, prior to final hearing and action by the Board; and]]¹~~

>>WHEREAS, by letter dated March 21, 2013, the Applicant submitted a revised application for consideration by this Board; and

WHEREAS, on April 2, 2013, this Board, by Resolution No. R-195-13, instructed the Mayor to transmit the revised Lucky Start at the Hammocks, LLC, Application to Amend the CDMP to the reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and

WHEREAS, the Florida Department of Education by letter dated May 16, 2013, Florida Department of Transportation, District Six, by letter dated May 28, 2013, Florida Department of Environmental Protection by correspondence dated May 30, 2013, Florida Department of Agriculture and Consumer Services by letter dated May 31, 2013, the South Florida Water Management District by letter dated June 6, 2013, Florida Department of Economic Opportunity by letter dated June 14, 2013, and the South Florida Regional Planning Council by correspondence dated June 3, 2013, each identified no adverse impacts to state facilities and resources and thereby made no comments on the transmitted Lucky Start at the Hammocks, LLC, Application to Amend the CDMP; and

WHEREAS the Florida Fish and Wildlife Conservation Commission by letter dated May 31, 2013, made comments on the Application; and

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added

WHEREAS, in January 2014, the Department issued its final recommendation addressing the revised application and the comments of the Florida Fish and Wildlife Conservation Commission in a report titled "Final Recommendation Lucky Start at the Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan"; and<<

WHEREAS, ~~[[consideration of]]~~ the subject application is being processed outside the County's regular twice-per-year comprehensive plan amendment cycles pursuant to Section 2-116.1, Code of Miami-Dade County; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearing(s) required by the referenced procedures preparatory to enactment of this ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. All matters set forth in the preamble are found to be true and are hereby
incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending Lucky
Start At The Hammocks, LLC, CDMP Amendment Application filed for concurrent processing
with the Notice of Proposed Changes for the Hammocks Development of Regional Impact as
follows:

Application	Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP	Final Commission Action
Lucky Start At The Hammocks, LLC	<p>Lucky Start At The Hammocks, LLC/Juan J. Mayol, Esq. and Joseph G. Goldstein, Esq.</p> <p>Holland and Knight, LLP 701 Brickel Avenue, Suite 3000, Miami, FL 33131 (±57.42 gross; ±53.47 net)</p> <p>1. Re-designate the ±57.42-gross acre application site within the Development of Regional Impact on the Adopted [[2015-2025]] >>2020-2030<< Land Use Plan map from "Industrial and Office" to "Low-Medium Density Residential" on Parcel A >>(±29.62 gross acres and Parcel B (±22.86 gross acres) and "Business and Office" (±4.94 gross acres) on Parcel C<< [[±16.89 gross acres] and Parcel D (±12.73 gross acres), "Business and Office" on Parcel B (±9.18 gross acres), and "Medium Density Residential" (±18.62 gross acres) Parcel C]] and</p> <p>2. Add a proffered Declaration of Restrictions, if accepted by the Board, to the Restrictions Table [[on Page I-74.1]] >>in Appendix A<< of the CDMP's Land Use Element.</p>	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If the referenced CDMP amendment application, or portion of the application, is found to be not in compliance pursuant to Section 163.3184, Florida Statutes, the remainder of the application subject to such a finding, and the remaining application adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of any individual plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the

individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

APW

Prepared by:

CAK

Craig H. Collier

Summary of Recommendations
Lucky Start at the Hammocks, LLC, Application to Amend the
Comprehensive Development Master Plan (CDMP) for Miami-Dade County, Florida
January 23, 2014

Application Type	Applicant/Location/Acreage/ Requested Amendment	BCC District	Department Initial Recommendation November 13, 2012	West Kendall Community Council Recommendation # & Resolution # December 11, 2012	Local Planning Agency Recommendation December 17, 2012	BCC Recommendation April 2, 2013*	Department Final Recommendation January, 2014	BCC Final Action January 23, 2014
Standard	<p>Lucky Start at the Hammocks, LLC/Juan Mayol Esq. & Joseph Goldstein, Esq.</p> <p>West of SW 147 Avenue between SW 112 Street and SW 120 Street (on the south side of Hammocks Boulevard)</p> <p>Requested CDMP amendment:</p> <p>1. Redesignate the ±57.42- gross acre application site on the CDMP Adopted 2015-2025 Land Use Plan (LUP) map:</p> <p style="padding-left: 40px;">From: "Industrial and Office"</p> <p style="padding-left: 40px;">To: "Low-Medium Density Residential" on Parcels A and B, and "Business and Office" on Parcel C</p> <p>2. Add a Proffered Declaration of Restrictions in Appendix A to the CDMP Land Use Element (revised request)</p>	District 11	Transmit	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions (CC11-03-12)	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions	Transmit with Change as requested by the Applicant and with the Proffered Declaration of Restrictions. [Change is to redesignate the site to Low-Medium Density Residential (±51.49 Acres) and Business and Office ±4.92 Acres]]	Adopt with Change as Transmitted and with Acceptance of the Proffered Declaration of Restrictions	

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes: BCC means Miami-Dade Board of County Commissioners;

DU/AC means dwelling units per gross acre

CC11: West Kendall Community Council

* BCC Public hearing of January 17, 2013 was continued to February 21, 2013, then to March 6, 2013 and was concluded on April 2, 2013.

ADDITIONAL INFORMATION LIST
Lucky Start at the Hammocks, LLC CDMP Amendments for Public Hearing
January 23, 2014

Comments From State and Regional Reviewing Agencies

- Florida Department of Education letter dated May 16, 2013;
- Florida Department of Transportation, District Six, letter dated May 28, 2013;
- Florida Department of Environmental Protection by correspondence dated May 30, 2013;
- Florida Department of Agriculture and Consumer Services letter dated May 31, 2013;
- Florida Fish and Wildlife Conservation Commission letter dated May 31, 2013
- South Florida Regional Planning Council correspondence dated June 3, 2013
- South Florida Water Management District letter dated June 6, 2013; and
- Florida Department of Economic Opportunity letter dated June 14, 2013 and e-mail dated August 22, 2013

Application

- Declaration of Restrictions submitted by the applicant on January 14, 2014

Departments Final Recommendations

- Department's Final Recommendations Lucky Start at the Hammocks, LLC, Application To Amend the CDMP, dated January 2014.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

2013 MAY 17 A 8:19

GARY CHARTRAND, *Chair*

Members

ADA G. ARMAS, M.D.

SALLY BRADSHAW

JOHN A. COLON

BARBARA S. FEINGOLD

JOHN R. PADGET

KATHLEEN SHANAHAN

PLANNING
METROPLAN PLANNING SECT

Dr. Tony Bennett
Commissioner of Education



May 16, 2013

Mr. Mark Woerner, AICP, Assistant Director for Planning
Miami-Dade County Regulatory
and Environmental Resources Department
111 NW 1st Street, 12th Floor
Miami, Florida 33128
Via E-mail: mwoerner@miamidade.gov

Dear Mr. Woerner:

Re: Miami-Dade County 13-2 (Expedited State Review)

Thank you for the opportunity to review the Miami-Dade County 13-2 ESR proposed amendment package, which the Florida Department of Education received on May 14, 2013. According to the department's responsibilities under Section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of Chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create adverse effects on public school facilities.

The package relates to the proposed Lucky Start at the Hammocks 611-unit residential development. Based on the data and analysis provided the affected schools or schools in the adjacent school concurrency service area can reasonably be expected to have sufficient capacity to serve the proposed development. Therefore, I offer no comment.

Again, thank you for the opportunity to review the proposed amendment. If I may be of assistance, please contact me at (850) 245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy L. Suber

Growth Management and Facilities Policy Liaison

TDS/

cc: Mr. Ivan Rodriguez, Miami-Dade County School District
Mssrs. James Stansbury and Bill Pable, DEO/State Land Planning Agency

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

325 W. GAINES STREET • SUITE 1014 • TALLAHASSEE, FLORIDA 32399-0400 • 850-245-0494 • FAX 850-245-9304

www.fldoe.org

100

100

100



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

2013 MAY 28

ANANTH PRASAD, P.E.
SECRETARY

PLANNING
METROPOLITAN PLANNING SECT

May 28, 2013

Mark Woerner, AICP
Assistant Director for Planning
Miami-Dade County Regulatory and Resources Department
Stephen P. Clark Center
111 NW 1st Street, 12th Floor
Miami, FL 33128

**Subject: Comments for the Proposed Comprehensive Plan Amendment,
Miami-Dade County #13-2ESR**

Dear Mr. Woerner:

The Florida Department of Transportation, District Six, completed a review of the *Proposed Comprehensive Plan Amendment, Miami-Dade County #13-2ESR*. The District has reviewed the amendment package per *Chapter 163 Florida Statutes* and has found no impacts to transportation resources and facilities of state importance.

Please contact Ken Jeffries at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Phil Steinmiller
District Planning Manager

Cc: Harold Desdunes, PE, Florida Department of Transportation, District 6
Aileen Boucle, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity

Ezeala, Dickson I. (RER)

From: Woerner, Mark (RER)
Sent: Tuesday, June 04, 2013 10:47 AM
To: Somoza, Napoleon (RER); Rowe, Garrett A. (RER); Pass, Shirley (RER)
Subject: FW: Miami-Dade 13-2 ESR Proposed

Comments from DEP re Lucky Start Hammocks.

Mark R. Woerner, AICP

Assistant Director for Planning

Planning Division

Miami-Dade County Department of Regulatory and Economic Resources

305-375-2835

"Delivering Excellence Every Day"

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Thursday, May 30, 2013 3:18 PM
To: Woerner, Mark (RER)
Cc: Craig, Kae; DCPexter@deo.myflorida.com
Subject: Miami-Dade 13-2 ESR Proposed

Date: May 30, 2013

To: Mark R. Woerner – Miami-Dade Asst. Director of Planning

From: Chris Stahl, Environmental Specialist, Office of Intergovernmental Programs
Florida Department of Environmental Protection

Re: Miami-Dade 13-2 ESR Proposed; Comprehensive Plan Amendment Review

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the procedures of Chapter 163, *Florida Statutes*. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; water and wastewater treatment; and, where applicable, the Everglades ecosystem.

Based on our review of the submitted amendment package, the Department has found no provision that requires comment under laws that form the basis of the Department's jurisdiction. Should you have any questions or require further assistance, please call me at (850) 245-2169.

Chris Stahl
Environmental Specialist
Office of Intergovernmental Programs
Florida Department of Environmental Protection

OFFICE OF THE COMMISSIONER
(850) 617-7700



THE CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

May 31, 2013

VIA EMAIL (mwoerner@miamidade.gov)

Miami-Dade Regulatory and Economic
Resource Department
Attn: Mark R. Woerner
111 N. W. First Street, 29th Floor
Miami, Florida 33128-1930

Re: DACS Docket # -- 20130516-239
Miami-Dade County
Submission dated May 9, 2013

Dear Mr. Woerner:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on May 16, 2013 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2287.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid Cunningham", is written over a horizontal line.

Reid Cunningham
Senior Management Analyst
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Miami County 13-2 ESR)

11



May 31, 2013

Florida Fish
and Wildlife
Conservation
Commission

Commissioners

Kenneth W. Wright
Chairman
Winter Park

Bo Rivard
Panama City

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Aliese P. "Liesa" Priddy
Immokalee

Charles W. Roberts III
Tallahassee

Brian S. Yablonski
Tallahassee

Executive Staff

Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Chief of Staff

Office of the
Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

Mark R. Woerner, AICP
Assistant Director for Planning
Miami-Dade County Regulatory and Economic Resources Department
Stephen P. Clark Center
111 NW 1st Street, 12th floor
Miami, FL 33128
mwoerner@miamidade.gov

2013 JUN -3 A 8:40
FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION
METROPOLITAN PLANNING SECT

RE: Lucky Start at the Hammocks, LLC, Proposed Amendment to the Comprehensive Master Development Plan, CPA-ESR 13-2, Miami-Dade County

Dear Mr. Woerner:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment and provides the following comments for your consideration, in accordance with Chapter 163, Florida Statutes.

Lucky Start at the Hammocks, LLC proposes to amend its Comprehensive Master Development Plan to allow a 57.42-acre parcel within the Hammocks Development of Regional Impact footprint to be developed as a mixed-use development. Currently, the property is designated as "Industrial and Office," and the amendment would change a 4.92-acre parcel in the southeastern corner to "Business and Office" and the remainder of the parcel to "Low-Medium Density Residential". This tract of land lies immediately north of the Kendall – Tamiami Executive Airport and includes a Declaration of Restrictions to address concerns about residential development being allowed near the airport.

With the exception of two clumps of shrubby vegetation, the parcel has largely been cleared and mowed in preparation for development. One road, SW 151st Court, bisects the property. As such, the proposed land-use designations do not appear to impact any known habitats identified in FWC's GIS database. We did, however, note the potential for burrowing owls (*Athene cunicularia*), designated as a State Species of Special Concern, which may occur on or near the site. Burrowing owls are found in open areas with low vegetation, such as prairies, golf courses, and vacant lots in urban areas. Since they have been documented on the nearby airport in mowed areas associated with the runways (FWC database), there is a chance that they may also be attracted to the subject property. We recommend that the applicant survey the property for burrowing owls prior to development activities to ensure that no active burrowing owl burrows exists onsite. If burrowing owls are present, we recommend following the FWC's "Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas" available on the FWC's webpage at <http://myfwc.com/media/290095/buowguidelines2009.pdf>.

FWC appreciates the opportunity to review this comprehensive plan amendment. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical

Mr. Mark R. Woerner

Page 2

May 31, 2013

questions, please contact Mary Ann Poole at (850) 488-8783 or by email at maryann.poole@MyFWC.com.

Sincerely,



Bonita Gorham
Land Use Planning Program Administrator
Office of Conservation Planning Services

bg/map

ENV 2-3-3

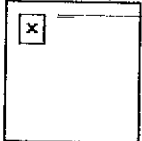
Miami-Dade CPA-ESR 13-2 17614 053113

cc: Ricardo Zambrano, FWC, West Palm Beach (Ricardo.zambrano@MyFWC.com)

Rowe, Garrett A. (RER)

From: Kathe Lerch <klerch@sfrpc.com>
Sent: Monday, June 03, 2013 12:42 PM
To: michael@udinelaw.com; mudine@cityofparkland.org; tfrost@cityofparkland.org; Mayor; Osterholt, Jack (Office of the Mayor); Rowe, Garrett A. (RER); Woerner, Mark (RER); Neugent-George@monroecounty-fl.com; hurley-christine@monroecounty-fl.gov; colonna-terri@monroecounty-fl.gov
Cc: Rachel Kalin; DCPexternalagencycomments@deo.myflorida.com
Subject: SFRPC Meeting June 3, 2013, Agenda #III.D Adopted & Proposed: SLPA #13-1ESR, City of Parkland; SLPA #13-2ESR Miami-Dade County; #13-2ACSC Monroe County
Attachments: AgendaJune13_IID.pdf

From: Kathe Lerch
Sent: Friday, May 24, 2013 1:18 PM
To: 'michael@udinelaw.com'; 'mudine@cityofparkland.org'; 'tfrost@cityofparkland.org'; 'mayor@miamidade.gov'; 'josterholt@miamidade.gov'; 'rowega@miamidade.gov'; 'mwoerner@miamidade.gov'; 'Neugent-George@monroecounty-fl.com'; 'hurley-christine@monroecounty-fl.gov'; 'colonna-terri@monroecounty-fl.gov'
Cc: Rachel Kalin; 'DCPexternalagencycomments@deo.myflorida.com'
Subject: SFRPC Meeting June 3, 2013, Agenda #III.D Adopted & Proposed: SLPA #13-1ESR, City of Parkland; SLPA #13-2ESR Miami-Dade County; #13-2ACSC Monroe County



At the June 3, 2013 meeting, the South Florida Regional Planning Council approved the attached report, finding the proposed and adopted amendments to be generally consistent with the *Strategic Regional Policy Plan for South Florida*. Should you have any questions, contact Rachel Kalin of Council staff, (954) 985-4416 or rkalin@sfrpc.com.

SFRPC Agenda #III.D SLPA #13-1ESR, City of Parkland

Mayor CC

Michael Udine, Esquire Tamara Allen Frost

michael@udinelaw.com; mudine@cityofparkland.org tfrost@cityofparkland.org

SFRPC Agenda #III.D, SLPA #13-2ESR Miami-Dade County

Mayor CC

Carlos A. Gimenez Garrett Rowe, Mark Woerner, B. Jack Osterholt

mayor@miamidade.gov; josterholt@miamidade.gov; rowega@miamidade.gov; mwoerner@miamidade.gov;

SFRPC Agenda #III.D, #13-2ACSC Monroe County

Mayor CC

George Neugent Christine Hurley

Neugent-George@monroecounty-fl.com; hurley-christine@monroecounty-fl.gov;



MEMORANDUM

AGENDA ITEM #III.D

DATE: JUNE 3, 2013

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED
AMENDMENT CONSENT AGENDA

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Staff analysis confirms that the proposed and/or adopted amendments identified in the Table below are generally consistent with and supportive of the Goals and Policies of the *SRPP*. Attached are the separate amendment review forms that will be sent to the local government and State Land Planning Agency. Exhibit A, attached, is a general location map of those amendments listed below that includes a Future Land Use Map amendment.

Local Government and Plan Amendment Number	Proposed	Adopted	Attach- ment	Proposed Council Review Date and Consistency Finding	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Miami-Dade County #13-2ESR	✓	N/A	1	N/A	April 2, 2013	12-0
Monroe County #13-2ACSC	✓	N/A	2	N/A	April 18, 2013	5-0
Parkland #13-1ESR	N/A	N/A	3	March 4, 2013 Consistent	March 6, 2013	3-0

Recommendation

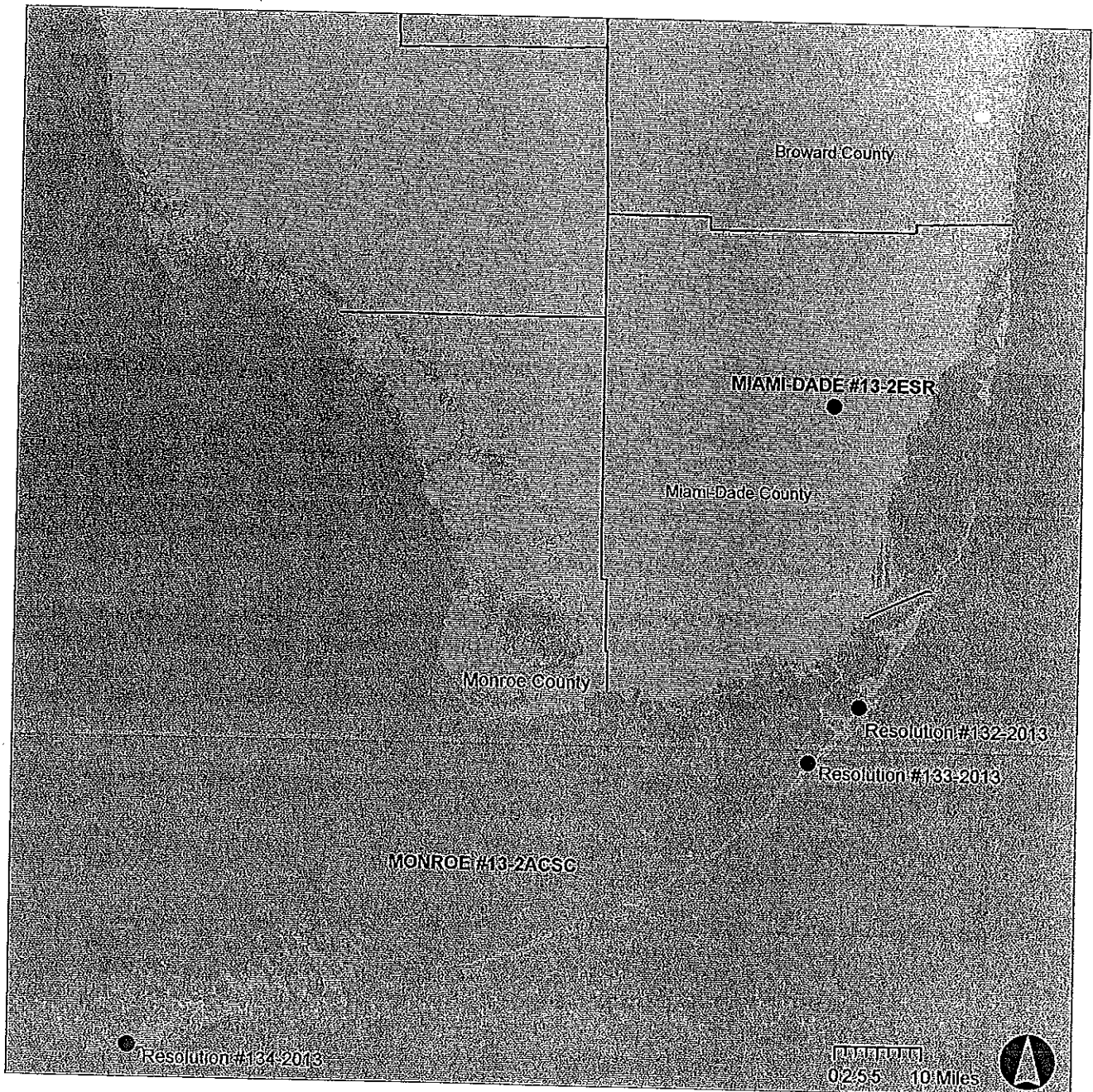
Find the proposed and adopted plan amendments from the local governments of Miami-Dade County, Monroe County and Parkland generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.

Exhibit A

Future Land Use Map (FLUM) Amendments

for the June 3, 2013 Council Meeting

General Location Map



Attachment 1

FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01

South Florida Regional Planning Council Agenda Item and Date: III.D; June 3, 2013.

Local Government Amendment Number: Miami-Dade County proposed #13-2ESR.

Date Comments due to State Land Planning Agency: June 19, 2013.

Date Mailed to Local Government and State Land Planning Agency: Prior to June 19, 2013.

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan for South Florida (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

The proposed amendment would revise the County's Future Land Use Map as follows.

This map amendment would change approximately 57.42 acres (multi-parcels) of land from Industrial and Office to Low-Medium Density Residential on 51.49 acres and Business and Office on 4.92 acres. The proposed amendment site is located west of SW 147th Avenue between SW 112th and SW 120th Streets, within the existing Hammocks Development of Regional Impact. The Hammocks DRI is undergoing a separate but concurrent review process. The application site is currently approved for warehouse and office development. Adjacent land uses consist of residential to the north, industrial and office to the east, and commercial and residential to the west. The Kendall-Tamiami Executive Airport is south of the proposed site. The intent of the amendment is to allow for a greater mix of uses.

The amendment application also includes a proffered declaration of restrictions to the Comprehensive Development Master Plan's Land Use Element. The proffered covenant ensures that dwelling design and construction incorporate noise level reduction; property owners grant and convey aviation easements; and disclosure of dwelling units within close proximity to the airport and details about related impacts are included in sales contracts.

Council staff has not identified adverse effects to regional resources and facilities or extrajurisdictional impacts that would result from the map and text amendments.

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN.

Not Applicable.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH ANY COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION.

Not Applicable.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 6, 2013

2013 JUN -6 P 5:13

Mr. Jack Osterholt
Deputy Mayor/Director
Miami-Dade County
Regulatory and Economic Resources Department
111 NW First Street, 29th Floor
Miami, FL 33128-1930

PLANNING & ZONING
METROPOLITAN PLANNING SECT

Dear Mr. Osterholt:

**Subject: Miami-Dade County, DEO #13-2ESR
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Miami-Dade County (County). The amendment consists of one Future Land Use Map amendment related to the Notice of Proposed Change for the existing Hammocks Development of Regional Impact Project. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Terry Manning, Planning and Policy Analyst, at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "De Powell".

Dean Powell
Water Supply Bureau Chief

DP/tm

c: Ray Eubanks, DEO
Rachel Kalin, SFRPC
Terry Manning, SFWMD
James Stansbury, DEO
Mark Woerner, Miami-Dade County

2014

Rick Scott
GOVERNOR



Lucky Start

Jesse Panuccio
EXECUTIVE DIRECTOR

June 14, 2013

2013 JUN 18 A 10:19

PLANNING SECTION
METROPOLITAN PLANNING SECT

The Honorable Carlos A. Gimenez
Mayor, Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33128

Dear Mayor Gimenez:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Miami-Dade County (Amendment No. 13-2ESR), which was received on May 15, 2013. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted. The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Bill Pable, AICP, at (850) 717-8534, or by email at bill.pable@deo.myflorida.com.

Sincerely,

Mike McDaniel
Comprehensive Planning Manager

MM/bp

Enclosure(s): Procedures for Adoption

cc: Mark Woerner, AICP, Assistant Director for Planning, Miami-Dade County
James Murley, Executive Director, South Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

Rowe, Garrett A. (RER)

From: Pable, Bill <Bill.Pable@deo.myflorida.com>
Sent: Thursday, August 22, 2013 11:37 AM
To: Rowe, Garrett A. (RER)
Cc: Stansbury, James; Eubanks, Ray
Subject: Miami-Dade County 13-2ESR amendment

Garrett,

You asked whether the 180 day requirement from Section 163.3184(3)(c)1, F.S., applies to the Miami-Dade County amendment 13-2ESR.

The May 9, 2013 transmittal letter for that amendment notes that "The application was filed for concurrent processing with a separate, but related, Notice of Proposed Change to the existing Hammocks Development of Regional Impact pursuant to Chapter 380.06(06), Florida Statutes and Section 2-116.1, of the Code of Miami-Dade County."

The last sentence of Section 163.3184(3)(c)1, F.S., notes that "The 180-day limitation does not apply to amendments processed pursuant to s. 380.06."

Therefore, the 180-day limitation does not apply to the Miami-Dade County 13-2ESR amendment.

Please let me know if you have any other questions. Have a great week.

Bill Pable, AICP and LEED Green Associate
Department of Economic Opportunity
Division of Community Development
Caldwell Building
107 East Madison, MSC 160
Tallahassee, Florida 32399-4120
(850) 717-8534
bill.pable@deo.myflorida.com

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records.

2014 JAN 14 P 1:01

This instrument was prepared by
JUAN J. MAYOL, JR., ESQ.
HOLLAND & KNIGHT LLP

Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Hammocks Lennar, LLC, a Florida limited liability company (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") that is pending as a special application to amend the CDMP (the "Application"), which is being processed concurrently with a Notification of Proposed Change for The Hammocks Development of Regional Impact (the "DRI"); and

WHEREAS, the Application seeks to re-designate the Property from "Industrial and Office" to "Low-Medium Density Residential" (51.49 gross acres) and "Business and Office" (4.92 gross acres) on the CDMP Land Use Plan Map as part of the proposed modification of the DRI.

IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Owner during the consideration of the Application will be abided

by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Noise Level Reduction.** The Owner shall incorporate at least 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of any dwelling unit on the Property.

2. **Avigation Easement.** The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, and hereby grants and conveys to Miami-Dade County an easement and right-of-way for the free and unobstructed flight, and passage, operations and effects thereof of all types of aircraft ("aircraft" being defined for the purpose of this Avigation Easement as any contrivance now known or hereafter invented, used, or designated for navigation of, or flight in or through the air) by whomsoever owned or operated, in and through the airspace above and over the surface of the Property, including, but not limited to, the right to cause in such airspace above or in the vicinity of the surface of the Property such noise, vibration, odors, vapors, fumes, fuel particles (which are incident to normal operations of said aircraft), smoke, dust, fear, interference with sleep and communications and any and all other effects as may be alleged to be incident to or caused by the aircraft engines and the operation of aircraft for navigation of or flight or passage in and through said airspace, and for the use of said airspace by aircraft for approaching, landing upon, taking off from, maneuvering about or operating (which are incident to normal operations of said aircraft) on Kendall Tamiami Executive Airport ("TMB") and for all other uses allowed or authorized at TMB.

In furtherance of the easement and rights herein granted, the Owner expressly agrees for itself, its successors, and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Property to such a height so as to comply with Miami Dade Code

Chapter 33, Article XL and Federal Aviation Regulations, Part 77 as currently in effect. Additionally, the Owner, for itself, its successors, and assigns, covenants at all times hereafter, that it will not take any action, cause or allow any electronic, electromagnetic, smoke, vapor, fume, or light emissions, allow any obstruction to exist, or construct any structure on the Property which would conflict or interfere with or infringe the rights granted hereunder, including the full use and enjoyment of this Avigation Easement.

The Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of TMB, or otherwise constitute an airport hazard.

3. Notice Requirements.

A. The Owner shall include the following notice (the "Notice") in every contract for the initial sale of any dwelling unit within the Property:

THIS PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("TMB"). SPECIFICALLY, PORTIONS OF THE PROPERTY ARE LOCATED WITHIN THE OUTER DISTRICT, INNER DISTRICT AND NO SCHOOL ZONE OF THE TMB. AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE FREQUENT AND DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF TMB OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND TAXIWAYS, HOWEVER MANY AND IN WHATEVER CONFIGURATION THEY MAY BE, AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, ALL EXISTING AND FUTURE RUNWAYS

AND TAXIWAYS ON THE AIRPORT THE FUTURE EXPANSION OF THE RUNWAYS AT TMB KNOWN AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT (9R/27L) RUNWAY 13/31 (13/31) AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS.

THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, ARE PROHIBITED FROM REQUESTING, SUPPORTING OR PARTICIPATING IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT TMB.

THIS COVENANT IS BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

B. The Owner shall cause every prospective, initial purchaser to acknowledge in writing receipt of the Notice, which acknowledgement may be included in the contract for sale and purchase for each dwelling unit or may be provided by separate instrument prior to or simultaneously with the execution of any such contract. The Notice shall also be prominently displayed in the sales office for the subdivision.

C. In addition to the restrictions and commitments contained in this Declaration, prior to the approval of a final plat for the Property, the Owner shall record a separate instrument in the Public Records of Miami-Dade County, which instrument shall run with title to the Property and be binding on the Owner's successors and assigns and shall provide the following restrictions:

THE PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("TMB"). SPECIFICALLY, PORTIONS OF THE PROPERTY ARE LOCATED WITHIN THE OUTER DISTRICT, INNER DISTRICT AND NO SCHOOL ZONE OF THE TMB. AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS

MAY EXPERIENCE FREQUENT AND DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS. FURTHER, THE OWNER, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES ANY OBJECTIONS TO ANY FUTURE EXPANSION OF THE RUNWAYS AT TMB KNOWN AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT (9R/27L), RUNWAY 13/31 (13/31), AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF TMB OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, THE FUTURE EXPANSION OF THE RUNWAYS AT TMB KNOWN AS RUNWAY 9 LEFT/27 RIGHT (9L/27R), RUNWAY 9 RIGHT/27 LEFT (9R/27L), RUNWAY 13/31 (13/31), AND ANY FUTURE ALTERATIONS, RE-ALIGNMENTS, OR RE-NUMBERING OF THE RUNWAYS AND TAXIWAYS DUE TO OPERATIONAL NEEDS OF THE AIRPORT OR MAGNETIC DEVIATIONS.

IT IS FURTHER AGREED THAT THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, WILL NEVER REQUEST, SUPPORT OR PARTICIPATE IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT TMB.

PURCHASER AGREES THAT THIS COVENANT IS ALSO BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

4. Compliance with Aviation Department Memorandum. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other

provisions of the Miami-Dade County Aviation Department, as contained in its memorandum dated October 28, 2013, a copy of which is attached as Exhibit "B" to this Declaration

5. **Contribution to Parks Foundation of Miami-Dade.** In order to address the impacts of the proposed development of the Property on the parks and recreation facilities in Miami-Dade County Commission District 11, the Owner has agreed to contribute the sum of four hundred sixty thousand dollars (\$460,000.00) to the Parks Foundation of Miami-Dade (the "Parks Contribution"), to be used by the Parks Foundations as follows: (a) one hundred thousand dollars (\$100,000.00) to pay for improvements at Camp Matecumbe; and (b) three hundred sixty thousand dollars (\$360,000.00) for the beautification and landscaping projects within Commission District 11 and for recreational, educational, and cultural community programs and initiatives and the endowment of parks related capital projects within Commission District 11. The Parks Contribution shall be considered a payment over and above the applicable Miami-Dade County Park Impact Fees due in connection with the development of the Property. The Parks Contribution shall be paid as follows: (a) fifty percent (50%) of the Parks Contribution shall be paid prior to the approval of a final plat for the Property; and (b) fifty percent (50%) of the Parks Contribution shall be paid prior to the issuance of a certificate of occupancy for the first dwelling unit within the Property.

6. **Comments from Florida Fish and Wildlife Conservation Commission.** To address comments made by the Florida Fish and Wildlife Conservation Commission ("FWC") during its review of the Application, prior to the issuance of a building permit for any development within the Property, the Owner shall cause a survey of the Property to be performed and delivered to the Division of Environmental Resources Management (DERM) of the Miami-Dade County Department of Regulatory and Economic Resources (or successor agency) and the

FWC to confirm the absence from the Property of active burrowing owl burrows. If the survey indicates the presence of burrowing owls on the Property, the Owner shall follow the FWC's "Burrowing Owl Nest Protection Guidelines and Procedures in Urban Areas" in connection with the development of the Property.

7. **Miscellaneous.**

A. **County Inspection.** As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. **Term.** This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the fee simple owner(s) of the property covered by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment, or release shall be subject to the provisions governing amendments to comprehensive plans, as set forth in Chapter 163, Part II,

Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment, or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the CDMP. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures.

D. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

E. **Authorization of Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration

of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as his Declaration of Restrictions is complied with.

F. **Election of Remedies.** All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

G. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipal corporation), and inspections made and approval of occupancy given by the County (or any successor municipal corporation), then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

H. **Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the Property and for the public welfare.

I. **Severability.** Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect.

However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

J. **Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

K. **Acceptance of Declaration.** Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

L. **Owner.** The term "Owner" shall include the Owner and its successors and assigns.

[Signature Page Follow]

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this _____
day of _____, 20____.

WITNESSES:

Hammocks Lennar, LLC,
a Florida limited liability company

Signature

Printed Name

By: _____

Name: _____

Title: _____

Signature

Printed Name

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by _____, as
_____ of Hammocks Lennar, LLC, a Florida limited liability company, and
for the purposes stated herein on behalf of the corporation. He is personally known to me or has
produced _____ as identification.

Witness my signature and official seal this _____ day of _____, 2014, in
the County and State aforesaid.

My Commission Expires:

Notary Public

Printed Name

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF TRACT "A" OF "AMERIFIRST PARK" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 127 AT PAGE 65 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT "A"; THENCE N02°20'50"W, AS BASIS OF BEARING ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9, FOR A DISTANCE OF 2660.44 FEET TO THE CENTER OF SAID SECTION 9; THENCE S87°34'58"W FOR A DISTANCE OF 18.65 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, A RADIAL LINE TO SAID POINT BEARS S17°02'49"E; THENCE 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING RADIUS OF 1326.26 FEET AND A CENTRAL ANGLE OF 05°34'55" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 37.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 86°45'47" TO A POINT OF INTERSECTION WITH A REVERSE CURVE; THENCE 720.86 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.00 FEET AND A CENTRAL ANGLE OF 34°08'03" TO A POINT OF TANGENCY; THENCE S60°00'00"E FOR A DISTANCE OF 127.20 FEET TO A POINT OF CURVATURE; THENCE 422.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1090.00 FEET AND A CENTRAL ANGLE OF 22°14'00" TO A POINT OF TANGENCY; THENCE S37°46'00"E FOR A DISTANCE OF 50.50 FEET TO A POINT OF INTERSECTION WITH A LINE 1040.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S02°20'50"E ALONG SAID LINE FOR A DISTANCE OF 1744.04 FEET TO A POINT OF INTERSECTION WITH A LINE 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 9; THENCE S87°26'00"W ALONG SAID LINE FOR A DISTANCE OF 1040.01 FEET TO THE POINT OF BEGINNING. CONTAINING 2,328,995 SQUARE FEET OR 53.47 NET ACRES, MORE OR LESS.

Memorandum



Date: October 28, 2013

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: José A. Ramos, R.A., Division Director
Aviation Planning, Land-Use and Grants Division *J.A.R.*
Aviation Department

Subject: DIC Application No. 12-096
Garden Estates East F/K/A Lucky Start at the Hammocks, LLC
MDAD DN-13-10-1211

As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for various district boundary changes and variances on the property which will allow residential dwellings for Parcels A – C (as identified on the current set of plans titled "Garden Estates East" as prepared by Corwill Architects and Witkin Huitts Design Group, date stamped received September 11, 2013). This application proposes an amendment of the DRI program as it pertains to the subject property which contains \pm 53.47 acres of vacant land area and is located on the east side of theoretical SW 152nd Avenue, between Hammocks Boulevard and SW 120th Street.

Based upon our review of the plans as they pertain only to Parcels A – C of the subject property, MDAD has determined that the referenced property is either partially or fully impacted by the following land use restrictive zones as defined in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395:

- Inner District (ILZ) New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
- Outer District (OLZ) New residential construction and educational facilities excluding aviation, are required to incorporate at least a 25 db Noise Level Reduction into the design/construction of the structure.
- No School Zone (NSZ) New educational facilities, excluding aviation schools, are not permitted within this land use classification.

As part of its zoning hearing application, the applicant is requesting a variance to permit residential uses within the ILZ. As you are aware, we are working together to amend the Kendall-Tamiami Executive Airport (TMB) Zoning. As we discussed, one of the revisions involves replacing the ILZ and OLZ with the 75 and 65 db noise contours. The justification for allowing the ILZ and OLZ to be recalculated is based upon State Statute 333.03 (2) (c) as follows: "Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. Part 150, neither residential construction nor any educational facility as defined in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. Part 150, Appendix A or an equivalent noise level as established by other types of noise studies".

While it will always be MDAD's preference to support land uses which are considered more compatible with airport operations in close proximity to our airport system, it should be understood that this proposed revision would mean that the subject property will no longer be (encumbered) impacted by a land use restrictive zone which would prohibit residential development. Should the community zoning appeals board approve a residential use, MDAD respectfully requests a conditional approval with proffered covenant running with the land. The terms of the covenant should include, but not be limited to the following: an aviation easement; noise mitigation to include a 25 decibel noise level reduction into the design and construction of the homes; mandatory disclosure of noise impacts and the frequency of operations to prospective buyers and lessees; and restricting the maximum building elevations for the residential units to 35' AGL (Above Ground Level). The proffered covenant will be subject to the review and approval of both MDAD and the County Attorney, allowing for further revisions if necessary.

The applicant has agreed that the proposed residential building elevations on this site will not exceed a maximum height of 35 feet AGL (Above Ground Level) which conforms to the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning. The maximum height includes the tallest element on the roof, such as the top of any elevator shafts, architectural features, lightning rods, flag poles, etc. This height determination is an estimate issued on a preliminary or advisory basis. Please note that as a preliminary height determination it does not constitute approval by MDAD for construction until coordination and a "No-Hazard" determination from the Federal Aviation Administration (FAA) is obtained. Please note, any proposed construction at this location is required to be filed with the FAA using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project at this must be filed by the construction contractor using the same form. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the applicant may "e-file" online at <https://oeaaa.faa.gov>.

Based on the above, MDAD would not object to the proposed structure heights that conform to the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning as long as:

- 1) The FAA determines that the construction of the buildings at the above mentioned heights will not diminish or affect the safety, efficiency or capacity of the Kendall-Tamiami Executive Airport Zoning in any way; and
- 2) The FAA issues a "Determination of No Hazard" for this project and location; and
- 3) An interested party does not file a "petition for review" to the FAA's aeronautical study that has yet to be completed for this project and location.

Please note that the airspace review process is governed by two different regulations: the Code of Miami-Dade County, Chapter 33, Kendall-Tamiami Executive Airport Zoning and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. MDAD or the applicable municipal building official determines whether the County's height limitations

Jack Osterholt
October 28, 2013
Page 3

are met, and the FAA determines whether FAA building, marking and height requirements are met. It is MDAD's responsibility to administer and enforce the regulations prescribed in the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and MDAD.

Please be advised that MDAD will need to review and approve the plans for the yet to be determined development for Parcel D of the subject property.

C: A. Riaz
T. Abbot
Jorge Vital, Department of Regulatory and Economic Resources



Miami-Dade Aviation Department

P.O. Box 025504
Miami, Florida 33102
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

Commercial Airports:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka Executive

January 31, 2013

Mr. Alberto J. Torres
Holland & Knight, LLC
701 Brickell Avenue, Suite 3000
Miami, FL 33131

**RE: Determination Number DN-12-07-1083 Land Use and Airspace Analysis for
Lucky Start at the Hammocks, LLC PH 12-096**

Dear Mr. Torres:

The Miami-Dade Aviation Department (MDAD) is in receipt of your submittal for a land use/airspace determination for a proposed residential and commercial development, Lucky Start at the Hammocks, to be located at SW 147 and 162 Avenues between SW 88 and 120 Streets, in Miami-Dade County, Florida.

Land Use Review:

MDAD determined that the referenced property is either partially or fully impacted by the following land use restrictive zones as defined in the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning, Section 33-395:

- Inner District (ILZ) New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
- Outer District (OLZ) New residential construction and educational facilities excluding aviation, are required to incorporate at least a 25 db Noise Level Reduction into the design/construction of the structure.
- NSZ No School Zone (NSZ) New educational facilities, excluding aviation schools, are not permitted within this land use classification.

Delivering Excellence Every Day

Mr. Alberto J. Torres
January 31, 2013
Page 2

Please be advised that MDAD is working with the Department of Regulatory and Economic Resources to amend the Code of Miami-Dade County, Article XL Kendall-Tamiami Executive Airport Zoning. One of the revisions involves replacing the existing ILZ and OLZ boundaries with the 75 and 65 db noise contours respectively. The justification for allowing the ILZ and OLZ to be recalculated is based upon Florida State Statute 333.03 (2) (c) as follows:

"Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a noise study in accordance with the provisions of 14 C.F.R. Part 150, neither residential construction nor any educational facility as defined in chapter 1013, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. Part 150, Appendix A or an equivalent noise level as established by other types of noise studies".

In 2007, MDAD conducted an Environmental Assessment (EA) for the runway extension at Kendall-Tamiami Executive Airport. This EA, which included noise contours, was approved by the FAA. While it will always be MDAD's preference for land uses which are considered more compatible with airport operations in close proximity to an MDAD-operated airport, the proposed revision to Kendall-Tamiami Executive Airport Zoning means that the subject property will no longer be encumbered by a land use restrictive zone which would prohibit residential development.

Airspace Review:

MDAD's review of the submitted plans finds that the maximum heights (which includes the tallest element on the roof, such as the top of any elevator shafts, architectural features, lightning rods, flag poles, etc.) as specified below and depicted in the attached exhibit conform to Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning.

Sector	Maximum Building Height (AGL)	Maximum Finished Floor Elevation (AMSL)	Maximum Building Elevation -- Including Tallest Element on Roof (AMSL)	Land Use
A	35.0'	10.0'	45.0'	2-Story Single Family Home
B	30.0'	10.0'	40.0'	Pharmacy
C	45.0'	10.0'	55.0'	3-Story Multifamily Building
D	40.0'	10.0'	50.0'	2-Story Townhouse

Mr. Alberto J. Torres
January 31, 2013
Page 3

This height determination is an estimate issued on a preliminary or advisory basis. Please note that as a preliminary height determination it does not constitute approval by MDAD for construction until coordination and a "No-Hazard" determination from the Federal Aviation Administration (FAA) is obtained. Please note, any proposed construction at this location is required to be filed with the FAA using Form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project at this must be filed by the construction contractor using the same form. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the applicant may "e-file" online at <https://oeaaa.faa.gov>.

Based on the above, MDAD would not object to the proposed structure heights that conform to the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning as long as:

- 1) The FAA determines that the construction of the buildings at the above mentioned heights will not diminish or affect the safety, efficiency or capacity of the Kendall-Tamiami Executive Airport Zoning in any way; and
- 2) The FAA issues a "Determination of No Hazard" for this project and location; and
- 3) An interested party does not file a "petition for review" to the FAA's aeronautical study that has yet to be completed for this project and location.

Please note that the airspace review process is governed by two different regulations: the Code of Miami-Dade County, Chapter 33, Kendall-Tamiami Executive Airport Zoning and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. MDAD or the applicable municipal building official determines whether the County's height limitations are met, and the FAA determines whether FAA building, marking and height requirements are met. It is MDAD's responsibility to administer and enforce the regulations prescribed in the Miami-Dade County Code, Chapter 33, Kendall-Tamiami Executive Airport Zoning.

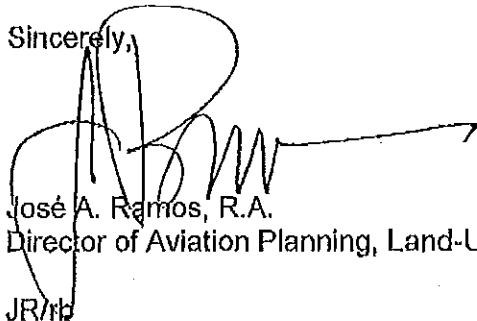
This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations/layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and MDAD.

Mr. Alberto J. Torres
January 31, 2013
Page 4

Please note this determination expires on January 31, 2014 unless extended, revised or terminated by MDAD's Aviation Planning Land-Use & Grants Division. Any requests for an extension of the effective period of this determination must be submitted by the applicant prior to the expiration date. At such time, staff will re-evaluate the application or structure to determine if any significant changes to structure and/or to the review criteria have occurred. MDAD's Aviation Planning, Land-Use & Grants Division will then decide if your determination may be eligible for an extension of the effective period.

Should you have any questions, please contact me at 305-876-8080.

Sincerely,

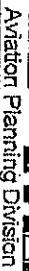
A handwritten signature in black ink, appearing to be "José A. Ramos", with a long horizontal stroke extending to the right.

José A. Ramos, R.A.
Director of Aviation Planning, Land-Use and Grants Division

JR/rb

Attachment

C: J. Abreu
A. Riaz
T. Abbott
Jorge Vital, DRER
Rebecca Henry, FAA
Sergey Kireyev, FDOT
David Bjorneboe, FDOT



Kendall-Tamiami Executive Airport

January 2013

